



AF/2614
JF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Ramanathan Ramanathan	§	Art Unit:	2614
		§		
Serial No.:	09/138,807	§	Examiner:	Jason P. Salce
		§		
Filed:	August 21, 1998	§	Docket No.	ITL.0083US(P6269)
		§		
Title:	Confirming Video Transmissions	§	Assignee:	Intel Corporation
		§		
Customer No.:	21906	§	Conf. No.:	4545

Mail Stop **Appeal Brief—Patents**
Commissioner for Patents
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REPLY BRIEF

Sir:

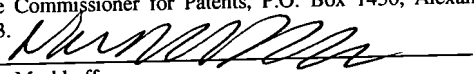
In response to the new arguments raised by the examiner in the Examiner's Answer, the following Reply Brief is submitted.

1. Claims 12, 13, and 15

A. The SRU does not track the video clip proper.

As pointed out in the appellant's opening brief at page 23-29, the SRU does not track the video clip proper. This is because the DSI's report to the PIM does not include an identifier for a particular video clip. In other words, there is no way for the SRU to track the video clip when its reports back do not even identify any particular video clip.

The Examiner's Answer at page 13, first full paragraph suggests that "Kenner clearly teaches that the PIM is capable of tracking a video transmission". But the material cited in support of this proposition merely indicates that all that is done is determine whether a video clip was accessed and how many times. From this, the examiner suggests that somehow this teaching

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Nancy Meshkoff

teaches tracking the video transmission. But all the text says is that it keeps track of how many times a particular video clip is accessed. It does not indicate in any way that the transmission of the video clip is monitored. Ignored by the examiner is the clear showing in the appellant's brief at page 15 that there is no tracking because the reports back from the SRU do not even identify a particular video clip. The appellant's brief is completely consistent with the language now relied on in column 11, because all column 11 says is that video clips that have been accessed most frequently are identified. That is all the system in the reference can do, because it never gets reports back during transmission about any particular video clip, or at least that identifies any particular video clip. Therefore, the examiner has not rebutted the clear showing in the appellant's brief and therefore has failed to substantiate the rejection.

The examiner's interpretation of "handle to a first marker", at the bottom of page 13 and the top of page 14, is plainly improper. The examiner's reliance on his own knowledge at this late date is too little too late. To the extent that well-known art is being relied upon, it is respectfully requested that it is too late, and the applicant challenges the examiner to demonstrate a reference that teaches such a thing. Moreover, the assertion that certain things are done "commonly" does not meet the appropriate requirement for prior art. It does not show when the thing was done, and it does not indicate any reason why, even if it were common that Kenner in particular used this technique. Plainly, the examiner is grasping at straws and has nothing but wild supposition to support the rejection.

The suggestion on page 14 that there is some kind of tracking of the transmissions is completely unsupported. The fact that a DSI creates a PIM when a video clip is retrieved does not suggest that the transmission of the clip is monitored or that a handle to a first marker is created. The Video ID field cannot be a marker and there is no handle to that marker created by the PIM because there is no way to keep track of that marker. The assertion that there is some updating of an access counter still relates to accessing the video for transmission, not monitoring the video clip after transmission. There is no tracking onward from the time the clip is accessed because, as the examiner's own citations show, there is no interest in monitoring after access. The goal is to monitor access, not transmission, and therefore the reference has no correspondence to the claimed invention.

The assertion on page 16 without any support that the SRU “continuously tracks and reports information to the PIM 22” is untrue and certainly has nothing to do with reporting anything that happens after transmission. No showing to the contrary has ever been made by the examiner.

The assertion that the claim limitations are so broad and “simply state that a counter is used to track the transmission” is false. The claim requires a counter to track the transmission from the time a handle to the first marker is obtained, the handle to enable the first marker for tracking. All this is simply ignored and interpreted to be any counter to track transmission. Such a glossing over of claim limitations is grounds for reversal.

The examiner states that the transmission is “clearly tracked by the counter”. But if one was going to use a counter to track a transmission, and all one did was determine whether or not the clip was accessed, it is hard to see how this is a counter to track the transmission “from the time a handle to the first marker is obtained, said handle to enable said first marker for tracking”. There is no tracking from the time a handle is obtained.

Instead, time is of no interest at all, since all that is detected in Kenner is whether or not the video clip is accessed. There would be no need for a counter to track the transmission. There could be a counter to count how many times various video clips are accessed, but that counter would not be a counter to track the transmission from the time a handle to the first marker is obtained. In other words, the counter counts accesses, not time in Kenner.

The examiner glosses over the time problem on page 18 and never really addresses it. The fundamental fact is that the examiner can find no concept of tracking from a time in the reference because the reference is only interested in counting accesses.

Therefore the rejection should be reversed.

2. Claim 16

These problems with the rejection are further exacerbated in the rejection of claim 16 which specifically calls for “track the ongoing transmission from said first marker”. As already explained above, there is no tracking from any instance in the cited reference. There is only counting of accesses. Thus there is no method to obtain tracking information relative to the first marker, said tracking information current as of the time said other method is called.

3. Claim 26

The same problems arise with respect to claim 26 which calls for receiving a handle to a first marker that is set in the transmission. Moreover, the claim calls for tracking the transmission after said first marker, said tracking on-going from the time said handle to said first marker is received. Such a structure never happens in the cited reference, which counts accesses and does not track markers.

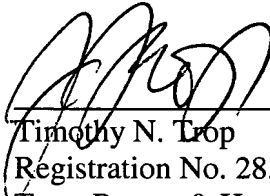
4. Claim 36

Claim 36 calls for setting a first marker in a transmission and tracking the transmission “from the time the handle to the first marker is provided until a time a second method other than the first method is invoked”. Further the claim calls for obtaining current transmission details “while said tracking from said first marker continues without interruption”. For the reasons already described, such an operation is impossible in the cited reference.

In view of these remarks, the rejections should be reversed.

Respectfully submitted,

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